682 agreed that the sticks were not by nature lethal weapons. The
672 latter, according to the tribal law, are only guns and knives,
627 since they give the victims no chance to defend himself. They ruled the case unintentional killing for which only L.E. 300 should be paid.

682 Since Yadem and his brother were arrested by the police for
625 their crime, the payment of the bloodmoney was postponed until
692 the case was settled according to the state legal system. Only half of the bloodmoney was paid and the rest was postponed until the case was decided upon by the legal system and Yadem released.

682 This is obviously a case in which the nature of the killing was
672 decided upon by drawing upon the material aspect of criminal
673 causation. The nature of the weapon used was the major determinant
[411] of the crime. Only guns and knives are defined as lethal; all others are non-lethal by nature, although they might cause the death of the victim. Death caused by a non-lethal weapon is considered as unintentional regardless of whether or not the actor intended the results, while death by a lethal weapon, even without the intention of killing, is classified as intentional killing, as appears in the following case.

CASE #4: The Case of the Threatened Tribesman

613 For more than five years Bait El-Mawi from the Sheibat tribe
628 had been in a continuous state of feud with Bait El-Asi from the Gemeiat tribe. One night, during a Khamasein sand storm when visability was extremely low, Abd-el-Galil from Bait El-Mawi heard a noise outside his tent, and the dogs were barking indicating that a stranger was there. Being sure that someone was approaching

671 672 171 the irrelevance of intention in establishing liabilities for homocide or injuries (1954).

672 682 The neglect of intention in assessing liability in cases of homocide is evident in the cases presented above (Cases 1,2,4,5 and 6), where compensation was paid although there was no intention established on the part of the offender.

[192] Awlad Ali use the Arabic word "katl" to refer to any killing. This is different from the word "mut" which means death by natural causes. They further differentiate between "katl 'amd," or intentional killing and "katl khata," or unintentional killing. Although reference here is 682 672 673 made to "intention," yet, from the above cases it is evident that the basis of establishing that intention is from the type of weapon used in effecting the death of the victim. Intentional killings are those caused [411] by a lethal weapon. Lethal weapons are defined as guns or knives. Death caused by a non-lethal weapon, no matter what the intentions of the offender, is defined as non-intentional, even when the circumstances of the act indicates the actual existence of an intention on the part of the offender to cause the death of the victim (as in Case #3 above). The assumption is that the use of lethal weapons, such as daggers or guns, implies intention and possibly a certain degree of premeditation, since these weapons have no other important use. Moreover, the probability of death by a lethal weapon is much greater than from other non-lethal weapons. These give the victim a chance to defend himself, a chance which he does not have in the cases of killing with a gun or dagger. In other words, Awlad Ali, in assessing responsibility for homocide, "operate with a legalistic psychology in which intention is is presumed from action" (Gluckman, 1963:207).

682 Although the weapon used was not lethal and therefore was classified
672 as an unintentional killing, yet the nature of the crime and the obvious intention on the part of the killers made reduced payment difficult to achieve.

Another way of reducing liability and the amount of money paid in cases of unintentional killing is by taking into consideration all the intervening variables that contributed to the death of the victim and asking them to share the blame. The working of this principle is illustrated in the case of the broken rope where the rope was assigned half the responsibility for the death of the victim. It is also present in the case of the careless guest where the responsibility was divided three ways with the host paying one third, the owner of the gun paying another third, and the goat sharing the responsibility for the rest of the bloodmoney. It is interesting to note the difference in the responsibility to the owner of the gun in the above case and the owner of the rope in the case of the broken rope. The owner of the rope was not held responsible for the death caused by his rope, the same way the owner of the goat in the case of the careless guest was not held responsible for the actions of the animal. Both the goat and the rope are not dangerous things by themselves for which a certain degree of care in handling is required. If such normally harmless things cause injury or death to a person, the owner is not held responsible.

682 The situation is quite different in the case of the gun and the re-
672 sponsibility of its owner. By nature, the gun is a weapon of death, and
41 for that reason the tribal law has required certain precautions in its
67 use or handling. Among such precautions is the requirement that a guest,
574

682 as soon as he settles in the host's place, should unload the gun. In
672
411 addition to reducing the possibility of the gun being accidentally fired
671 and harming someone, this act expressed the trust of the guest in his
574 host and signifies the ability of the latter to protect his guest against any harm. A person visiting another does not need his gun for protection and therefore must unload it. If the owner of the gun fails to take this
682
672 customary precaution and leaves his gun loaded, and because of that fail-
411 ure the gun causes the death or injury of a person or even damage to property, the owner is held responsible for that result. The same rule applies to other deadly weapons, such as knives or daggers, as well as to animals
683 which are dangerous by nature, such as dogs. Each tent in the area has a
672 dog. Starting the first weeks in the puppy's life, he is trained to
231 guard the tent and to bark at the approach of any stranger. It is also trained to attack any intruder who comes within fifty yards of the tent unless accompanied by a member of the tent. When one goes to visit another, he usually stays away from the tent until someone from the tent hears the dog barking and comes out to get the guest. Most dogs would not attack a person as long as he is the safe fifty yards away from the tent. Occasionally, a dog goes behond the safe distance and b ites an individual passing by or a guest waiting to be let inside the tent. If the injured person is able to prove, usually by taking the oath, that he was more than fifty yards away from the tent at the time he was attacked by the dog, the dog's owner is liable to the victim for the injury inflicted by the dog. If, on the other hand, evidence shows that the victim was bitten by the dog while being less than fifty yards away from the tent, then there is no responsibility on the part of the dog's

3:Evans-Pritchard E-4, 5 (1942-1944) 1949 MT9 Libyan Bedouin MT9
(1837-1942) Sanusi

charge the enemy, who was armed with the most modern equipment and generally entrenched. They charged on horseback, firing wildly, wherever they might come across him, without any regard to danger, terrain, or odds. The Turkish officers had great difficulty in the early days of the campaign in restraining these impetuous cavaliers, but Turkish tact, the example of the disciplined Turkish troops, and the disastrous results of their own impetuosity soon taught them to act with greater caution, though not the patience necessary in the professional soldier. Realizing that the war might be protracted, Enver tried to make the Bedouin volunteers feel that they were as much part of the army of resistance as the Turkish regulars and to give them some military training, in however random a fashion. He chose 300 young Bedouin of the principal families of tribal Shaikhs from among the volunteers and gave them training at his camp at al-Zahir al-Ahmar, some 20 km. to the south-west of Darna. They were given arms and uniforms sent from Turkey, were housed in Turkish army tents, and received Turkish pay. This small Bedouin contingent, trained under Turkish regular officers and N.C.O.'s, took part in the fighting in 1912 and proved to be a valuable adjunct to the slender Turkish forces. When trained some of them were put in charge of the training of the *Mahafiziya*, the Bedouin irregulars, of whom there were about 2,000 at Enver's camp. Besides the irregulars, who resided on and off at the Turkish camp, all the Bedouin for many miles round could be relied on to join in the fray whenever the Italians ventured to move from entrenched and fortified positions. Most of the Bedouin were armed, but their rifles were of a very old make, mostly old one-round Greek pieces. When Enver received his irregular and scanty supplies from Turkey he distributed a small number of Turkish rifles among them. Later they equipped themselves with Italian rifles taken in fights, and they had a ready source of ammunition in every Italian column. The irregulars occasionally received largesse from Enver but for the most part paid themselves in loot.

Enver looked yet farther ahead. In June 1912 he selected 365 boys, mostly from among the sons of the Bedouin Shaikhs, and sent them to Istanbul to be educated for posts in the Cyrenaican army and administration. The first thirty to be

571 231 264 182 593 585 182 [425] [556]

between man and man, although the various cereal dishes which constitute their regular meals are said to have a similar effect.

The son who continues to eat with his father "as he always had been doing," also continues to accept his authority. Indeed he could do little else at this stage, for he lacks the economic means to cut away. Neither at marriage nor after is there any transfer of wealth from father to son. The new tent recently pitched is no more than a dormitory to which the young couple retire at night. During the daytime the son is still to be seen in his father's tent, and, in the male quarters, things appear to be much the same as before. In the female quarters, the only superficial change is the more frequent appearance among the women of one who, before marriage, often sat among them if she had been a close neighbour or a close cousin previously; or of an additional helper if she had come from afar. On the surface things remain "as they always have been," although in fact, a whole set of changes have been initiated.

852 881 764 858 789 857 233 883 233 [431] [411] [484] [885] 852 88 796 [791] [554]

Rites de passage are few among the Bedouin. A man's progress in life is ceremonially marked by only four events: his birth, circumcision, marriage and burial. His development into manhood is not marked by clearly defined stages. About the age of seven, the henna markings on the front of a boy's shirt for protection from the evil eye are not renewed, the cowrie shell stitched to the front of his cap as a kind of talisman against the evil eye is removed and he is no longer permitted free access to the women's quarters. As he grows older, he will be instructed in goat-herding, and later taught to follow the sheep. In his late teens he will have to undertake the more arduous and responsible task of herding the camels. Coincident with camel-herding, he may be given a gun by his father. Shortly afterwards he must undertake the stringent test of manhood, a journey to a distant oasis for dates. These changes are not marked off by a *rite de passage*. The rites a man undergoes during the course of a lifetime are minimal, and in the sense that they are concerned with only the basic events in a man's life anywhere (save for circumcision, which is a minor celebration anyway), they are irreducible. Moreover, the rituals which exist do not comprehend the same multiplicity of relationships as rituals which occur in many other African societies.[4] It is true that the ceremonies referred to in this chapter by no means include all the Bedouin rituals. It is also true that the events mentioned vary in elaboration, and in the number of symbols present in them, but they are not multiplied or reduced for different people.

[613] [554] [602]

In this context it is important to stress that we are here dealing with a lineage society where social differentiation is not built up into differences of rank, where the roles to which a man succeeds are almost wholly captured by his kinship relationships with other men and which are sociologically to be distinguished from the roles a man enters into by acquisition of office,

[4] See, for example, the elaboration of rituals discussed in M. Gluckman (Ed.), *Essays on the Ritual of Social Relations*. Manchester: University of Manchester Press, 1962.